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August 8, 2011

Filed Via ECF and Facsimile

Honorable Arthur D. Spatt
United States District Court Judge
United States District Court
Eastern District of New York
P.O. Box 9014
Central Islip, New York 11722-9014

Re: *Richard Marcus v. Olga DuFour, et al.*
E.D.N.Y., C.A. No. 10-1716-ADS-AKT

Dear Judge Spatt:

As per your directive at the telephone conference held on August 1, 2011, this letter is submitted on behalf of the Haaker Defendants with respect to the application to release the interpleader funds to Ms. Dufour, minus the amounts to be paid to the attorneys.

This Haaker Defendants oppose the release of the funds for several reasons:

First, it is the intention of the Haaker Defendants to appeal Your Honor's decision awarding all of the funds, but for attorney fees, to Ms. Dufour. (We admit that Ms. Dufour is entitled to 50% of the funds which can be paid to her now.) Should this occur, in the event that the Haaker Defendants succeed on appeal, 100% of the money will have been paid to Ms. Dufour whereas the Haaker Defendants admit that she is only entitled to at least 50%; the remaining 50% will have been paid to her and possibly dissipated making it difficult, if not impossible, for the Haaker Defendants to recover these sums.

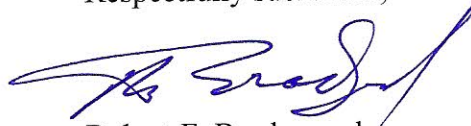
Second, and moreover, Ms. Dufour should have no fear that the remaining 50% will be dissipated as it is currently under the control of this Court. Allowing it to remain there will insure that the ultimate prevailing party is adequately protected and will receive the remaining balance.

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Finally, the Haaker Defendants request that Your Honor only award Ms. Dufour the 50% to which she is entitled while preserving the integrity of those remaining funds which could be used to satisfy the Haaker Defendants' claims in the event they should prevail on appeal. Accordingly, the Haaker Defendants appeal to Your Honor to preserve the remaining funds in the interest of justice.

Respectfully submitted,



Robert F. Brodegaard

cc (via ECF):

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Jason Criss, Esq.

Damara Chambers, Esq.

Steven Robertson, Esq.

George Xixis, Esq.